C.S. 100/-

SINGLE BENCH

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)**

**W.P. (S) No.....5881...../2006**

**PETITIONER:**

Priyaranjan Singh
S/o Mangal Charan Singh,
Aged about 46 years,
R/o Navapara,
Ambikapur, District Sarguja (C.G.)

P.R. No. 5916/06
Presented by Shri Sharma
dated Shukla
1:25 Pm.

**VERSUS**

**RESPONDENTS:**

1. State of Chhattisgarh
Through Secretary
Tribal Welfare Department
D.K.S. Bhawan
Raipur (C.G.)

RECEIVED-COPY
28/10/06
CLERK to A. G. BILASPUR

2. Commissioner
Tribal welfare Department,
D.K.S. Bhawan,
Raipur (C.G.)

23/10/06

3. Collector
Sarguja,
District Sarguja (Chhattisgarh)

4. Assistant Commissioner
Tribal welfare Sarguja District
Sarguja (Chhattisgarh)

(2)

(5)

5. Ramkrishna Maravi
Incharge, B.E.O. Pratappur
District Sarguja (Chhattisgarh)

**PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS:-**

(76)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.5881 OF 2006

Petitioner : Priyaranjan Singh

versus

Respondents : State of Chhattisgarh and others

Present : Mr. Jitendra Pali, counsel for the petitioner.
Mrs. Anju Ahuja, Deputy Government Advocate for respondents No.1 to 4.

ORDER
(Passed on 31st of October, 2006)

The petitioner was employed as Lecturer in Government Girls Higher Secondary School, Ramanujganj, District Surguja and was holding charge of Principal of the school. By order dated 9-6-2006, the petitioner was assigned the charge of Block Education Officer, Pratappur, which became vacant on account of transfer of one Shri Suresh Prasad Tiwari, who was Lecturer and posted at Pratappur, from Pratappur to Government Girls Higher Secondary School, Rajpur. Subsequently, by order dated 7-7-2006, respondent No.5, who was posted as Lecturer in Government High School, Karsi, Block Pratappur, District Surguja was assigned the charge of Block Education Officer, Pratappur.

2. Being aggrieved, the petitioner filed a writ petition, being Writ Petition (S.) No.3562 of 2006 impugning the order dated 7-7-2006 on the ground that respondent No.5 was junior, as such, the said order dated 7-7-2006 is discriminatory, arbitrary and unreasonable. This Court, after hearing learned counsel for the petitioner and learned counsel for the State, granted liberty to the petitioner to make a detailed representation to respondent No.1. It was further directed that respondent No.1 would consider and decide the said representation within a period of 30 days from the date of its receipt. In the meantime, the effect and operation of the order dated 7-7-2006 was stayed till disposal of the representation of the petitioner. The Secretary to the Government of Chhattisgarh, Scheduled Castes and Scheduled Tribes Welfare Department, after affording the petitioner personal hearing on 29-8-2006, passed the impugned order dated 6-9-2006 (Annexure P-5) holding that the petitioner was assigned the responsibility of Block Education Officer, Pratappur temporarily till the new incumbent in the office is available.

3. Learned counsel for the petitioner submits that exercise of power in the present case is *mala fide* as a copy has been endorsed to the Minister. Secondly, since the additional charge was given till the regular appointment of Block Education Officer is made, the Collector has no power to cancel the assignment of additional charge and appoint some other officer, who is equal in rank for the purpose of administration. Learned counsel for the petitioner further submits that the petitioner has been granted upgradation in the pay-scale of Lecturer. The submissions made hereinabove are frivolous as the petitioner has not acquired any right to the post of Block Education

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Officer by virtue of grant of additional charge by the Collector on temporary basis.

4. I have heard learned counsel for the parties and perused the petition and the records appended thereto. It is informed at the Bar that the distance between Ramanujganj and Pratappur is about 100 Kilometers and the distance between the office of Block Education Officer, Pratappur and Government High School, Karsi, Block Pratappur is about 10 Kilometers. Keeping in view the distance, it appears that it was not possible for the petitioner to discharge his responsibilities as Block Education Officer on temporary basis at Pratappur while holding the substantial charge of Lecturer in Government Girls Higher Secondary School, at Ramanujganj. It is possible for respondent No.5, who is Lecturer in Government High School, at Karsi in Block Pratappur itself, to discharge the responsibilities of Block Education Officer, Pratappur. Keeping in view the fact of distance and the requirement of temporary charge of Block Education Officer, the order is just and proper. The petitioner cannot claim any right on account of his posting on temporary basis as Block Education Officer, Pratappur, which is admittedly 100 Kilometers away from Ramanujganj.

5. For the reasons above-stated, the petition is devoid of merit. Thus, it is dismissed. No order as to costs.

**Sd/-**
**Satish K. Agnihotri**
**Judge**

Gopal